

REMARKS

Applicant has amended claims 1, 6, 7, 8, 13 and 19 and canceled the claims 10 through 12 and 16 through 18 without prejudice. Applicant respectfully submits that these amendments to the claims are supported by the application as originally filed and do not contain any new matter. Accordingly, the Final Office Action will be discussed in terms of the claims as amended.

Firstly Applicant would like to acknowledge the Examiner's statement that the application is eligible for Continued Examination, the fee has been paid and the finality of the previous Office Action has been withdrawn. In addition, the Examiner has stated that Applicant's submission filed on May 15, 2008, has been entered.

The Examiner has rejected the claims 1 through 19 under 35 USC 102 as being anticipated by Kawagishi et al. stating that Kawagishi et al. discloses a three dimensional ultrasonic apparatus including a cardiac cavity detecting portion 8 comprising processors for executing a predetermined cardiac activity detection algorithm and detects data concerning the cardiac activity of the left ventricle of the heart based on the three dimensional spatial distribution data from the echo or doppler processor by way of these processor and further includes extracting data of a cardiac endocardium M1 of a left ventricle LV corresponding to the boundary position of the cardiac cavity OB of the left ventricle from 3D morphological information. Still further it is the Examiner's opinion that Kawagishi et al. includes a basis axis setter used for setting a basis axis in the target tissue based on the shape of the target tissue and a reference cross axis setter sets a plurality of reference cross sections each having a different rotational angle from each other with the basis axis AX as an axis of rotation and the cross sectional image form is used for forming a cross sectional image of the target tissue based on the volume data which corresponds to one of the cross sections set with the basis cross section as a reference, and the basis cross section.

In reply to this rejection, Applicant has carefully reviewed Kawagishi et al. and respectfully submits that Kawagishi et al. teaches a device which does not include all of the limitations of Applicant's invention. In particular, Applicant's invention as claimed by Applicant's now amended claims includes specific resuscitations regarding how axis and planes are applied with respect to a target tissue such as a heart in order to set an appropriate

cross section of the tissue. In particular, Applicant respectfully submits that Applicant's invention includes specific features which are not described or shown in Kawagishi et al. as follows:

1. Extracting a group having a maximum volume from among a plurality of isolated groups as a specific isolated group as is claimed in Applicant's claim 1;
2. Selecting a basis cross section from among a plurality of reference cross sections based on the cross sectional area of the target tissue in each of the reference cross sections as is claimed in Applicant's claim 1;
3. Calculating the cross sectional area of the four cavities in each of the reference cross sections, and selects, as the basis cross section, a reference cross section in which a maximum cross sectional area can be obtained and setting the cross section as the four-cavity cross section as is claimed in Applicant's claims 8 and 14; and
4. Setting a cross section which is orthogonal to the reference cross section and includes the left ventricle major axis as a tube cavity cross section and setting a cross section which is orthogonal to the left cavity major axis and includes a center of mass of the left ventricle cavity as a minor axis cross section as is claimed in Applicant's claims 8 and 14.

Applicant respectfully submits that the above features of Applicant's invention which are not contained or suggested in Kawagishi et al. provides certain advantages which are not achievable with Kawagishi et al. and such advantages include at least that an optimum cross section is set with respect to a target tissue such as a heart.

In addition to the above, Applicant respectfully submits that Kawagishi et al. does not disclose that the basis sets the axis base on the center of mass as is claimed by claim 3 or that the basis axis is based on the center of mass and an end which is further away from the center of mass as is claimed in Applicant's claim 4.

In view of the above, therefore, Applicant respectfully submits that Kawagishi et al. does not disclose all of the elements of Applicant's invention as claimed and the claims 1 through 9, 13 through 15 and 19 are not anticipated by Kawagishi et al.


In view of the above, therefore, it is respectfully requested that this Amendment be entered, favorably considered and the case passed to issue.

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Respectfully submitted,

By: 
William L. Androlia
Reg. No. 27,177

Quinn Emanuel Urquhart Oliver & Hedges, LLP
Koda/Androlia
865 S. Figueroa Street, 10th Floor
Los Angeles, CA 90017
Telephone: 213-443-3085
Facsimile: 213-443-3100
E-mail: thomasedison@quinnemanuel.com

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